

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

JERRY MATTHEWS,

Plaintiff,

vs.

CHRISTOPHER CHRISTY, et al.,

Defendants.

No. 15 cv 11 EJM

ORDER

This matter is before the court on (1) initial review under 28 U.S.C. §1915A of plaintiff's pro se complaint under 42 U.S.C. §1983, filed January 29, 2015, (2) plaintiff's motion for leave to proceed in forma pauperis, and (3) plaintiff's motion to appoint counsel. After initial review, Motion to proceed in forma pauperis denied without prejudice. Motion to appoint counsel denied.

Plaintiff, who is presently confined at the Iowa Medical and Classification Center and was previously convicted in this district, seeks redress for the deprivation of his constitutional rights. Jurisdiction is under 28 U.S.C. §1331.

Upon review of the pro se complaint, the court is of the view that the matter may proceed past initial review.

Regarding the application to proceed in forma pauperis, plaintiff has not included a certified statement of his account from his institution, so his application for in forma pauperis status is incomplete. 28 U.S.C. §1915(a)(2.) Plaintiff shall have until April 29, 2015, to submit such a certified statement.

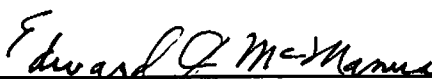
Regarding the motion to appoint counsel, the court concludes that the assistance of counsel is not warranted. State v. Hoskins, No. 07-0677, 2008 Iowa App. LEXIS 259 (Iowa Ct. App. 2008), and Hoskins v. State, 812 N.W.2d 726 (Iowa Ct. App. 2012.) Based on the file, there appears no good reason to appoint counsel. Plaintiff enjoys neither a statutory nor a constitutional right to have counsel appointed in a civil case. Wiggins v. Sargent, 753 F.2d 663, 668 (8<sup>th</sup> Cir. 1985.) See Davis v. Scott, 94 F.3d 444, 447 (8<sup>th</sup> Cir. 1996) (setting forth factors to be considered for appointment of counsel in civil case.)

It is therefore

ORDERED

Initial review passed. In Forma Pauperis status shall be denied and the complaint shall be dismissed for failure to pay the filing fee unless plaintiff files a certified statement of account from his institution by April 29, 2015. If he does, then In Forma Pauperis status shall be granted and the complaint shall be filed and served, and defendants shall then have thirty days to respond to the complaint. Motion to appoint counsel denied.

March 23, 2015

  
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Edward J. McManus, Judge  
UNITED STATES DISTRICT COURT